Congress of the United States  
Washington, DC 20515

July 13, 2021

The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Ave. SW  
Washington, D.C. 20201

Dear Secretary Becerra:

The Department of Health and Human Services’ (HHS) proposed rule to permit Title X grants to be awarded to providers who include abortion as a method of family planning violates federal law and should be withdrawn immediately.

The Title X Family Planning Program was first enacted in 1970 as Title X of the Public Health Service Act. The program was designed to provide a broad range of voluntary family planning services at reduced or no cost for individuals, with priority being given to persons from low-income families. A specific provision of the Act has remained unchanged for more than 50 years since the Title X program was established and states that: “None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.”

In 2019, HHS issued the Compliance With Statutory Program Integrity Requirements rule (Protect Life Rule) that strengthened compliance with the plain text of the law. The Protect Life Rule ensured that there was “clear physical and financial separation” between a Title X program and the requirement that Title X funding not support programs where abortion is a method of family planning. The Protect Life Rule required that providers receiving Title X funding maintain a physical and financial separation from locations that provide abortion services.

The successes of the Protect Life Rule in ensuring compliance with the requirements of Title X were easy to see. In August 2019, Planned Parenthood announced that it had decided to prioritize its abortion services over women’s health and would leave the Title X Family Planning Program. Planned Parenthood’s decision to forego federal funding illustrated a simple fact that Americans have known for decades, that Planned Parenthood will always choose abortion access over women’s healthcare needs.

---

1 Office of the Assistant Secretary for Health, Office of Population Affairs, Title X Program Funding History, https://opa.hhs.gov/grant-programs/archive/title-x-program-funding-history.
The Protect Life Rule also expanded the pool of possible grantees by removing a requirement put in place by President Clinton that providers receiving Title X funding offer referrals for abortion. Prior to President Trump’s Protect Life Rule, pro-life and faith-based organizations had often declined to apply for Title X funding because they could not, in good conscience, refer a patient for abortion. By removing the referral requirement, the Protect Life Rule ensured that pro-life and faith-based providers could receive federal funding that would allow them to serve low-income families without violating their sincere religious beliefs.

Your decision to undo the progress made under the Protect Life Rule and disregard the plain language of the statute represents a serious lapse in judgment from your Department. The Protect Life Rule has a demonstrated track record of ensuring that the federal government complies with requirements of the Title X Family Planning Program that taxpayer dollars not fund abortion activities.

You must ensure that HHS complies with its statutory obligations under Title X and never allow taxpayer funding to be used in connection with abortion activities. We urge you to withdraw the Department’s April 15, 2021, proposed rule eliminating the requirement for physical and financial separation of abortion activities.

Sincerely,

Andy Biggs
Member of Congress

Jim Jordan
Member of Congress

Michael Cloud
Member of Congress

Bob Good
Member of Congress

---

Garret Graves  
Member of Congress

Yvette Herrell  
Member of Congress

Gregory F. Murphy, M.D.  
Member of Congress

Jeff Duncan  
Member of Congress

Brian Babin, D.D.S.  
Member of Congress

Marjorie Taylor Greene  
Member of Congress

Debbie Lesko  
Member of Congress

Doug Lamborn  
Member of Congress

Ben Cline  
Member of Congress

Lauren Boebert  
Member of Congress
Andy Harris, M.D.  
Member of Congress

Bill Posey  
Member of Congress

Warren Davidson  
Member of Congress

Randy K. Weber  
Member of Congress

Alex X. Mooney  
Member of Congress

Mary E. Miller  
Member of Congress

Ralph Norman  
Member of Congress

Billy Long  
Member of Congress

Russ Fulcher  
Member of Congress

H. Morgan Griffith  
Member of Congress

Matthew Rosendale, Sr.  
Member of Congress